

1 Plaintiff and Counter-Defendant Catlin Specialty Insurance Company (“Catlin”) and
2 Defendant and Counter-Claimant CAMICO Mutual Insurance Company (“CAMICO”)
3 (collectively referred to herein as the “Parties”) hereby advise the Court that they have
4 reached an agreement in principle that would resolve the insurance coverage issues being
5 litigated in this action. Therefore, Catlin and CAMICO request that the Court vacate all
6 pending dates, and that this action be stayed to allow the parties the opportunity to resolve
7 this matter without the Parties or the Court incurring the costs associated with further
8 litigation. The Parties further request that the Court set a status conference on January 11,
9 2013 at 10:30 a.m., or another day convenient for the Court, so that the Parties can apprise
10 the Court of the status of the resolution of this case.

11 In support of this motion, the Parties state:

12 1. It is expected that the agreement in principle reached between them will
13 resolve the coverage disputes at issue in this action. However, the Parties need additional
14 time to work out the details of the agreement in principle.

15 2. Under the law, “the power to stay proceedings is incidental to the power
16 inherent in every court to control the disposition of the cases on its docket with economy of
17 time and effort for itself, for counsel and for the litigants.” *Landis v. North American Co.*,
18 299 U.S. 248, 254 (1936). “When and how to stay proceedings is within the sound discretion
19 of the trial court.” *Cherokee Nation v. United States*, 124 F.3d 1413, 1416 (Fed. Cir. 1997).

20 3. “Where it is proposed that a pending proceeding be stayed, the competing
21 interests which will be affected by the granting or refusal to grant a stay must be weighed.”
22 *CMAX, Inc. v. Hall*, 300 F.2d 265, 268 (9th Cir. 1962). “Among these competing interests
23 are the possible damage which may result from the granting of a stay, the hardship or inequity
24 which a party may suffer in being required to go forward, and the orderly course of justice
25 measured in terms of the simplifying or complicating of issues, proof, and questions of law
26 which could be expected to result from a stay.” *Id.*

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ATTESTATION OF E-FILED SIGNATURE

I, Matthew S. Foy, am the ECF user whose ID and password are being used to file this Stipulated Motion to Stay Proceedings. In compliance with Local Rule 5-1, I hereby attest that Gilbert D. Jensen, counsel for Defendant/Counterclaimant CAMICO Mutual Insurance Company has concurred in this filing.

Dated: November 15, 2012

GORDON & REES LLP

By /s/ Matthew S. Foy
Matthew S. Foy, Esq.
Attorney for Plaintiff/Counter-Defendant
CATLIN SPECIALTY INSURANCE
COMPANY

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED:

All pending dates are vacated and this action is stayed.

The parties shall appear at a Status Conference to report on the status of the resolution of the case on: 1/17/13 at 10:30 a.m. An updated joint CMC statement shall be filed by 1/10/13.

Dated: November 19, 2012

